

§ 16.300

28 CFR Ch. I (7–1–23 Edition)

§ 16.300 Access to documents for the purpose of responding to an official inquiry.

(a) To the extent permitted by law, former employees of the Department shall be given access to documents that they originated, reviewed, or signed while employees of the Department, for the purpose of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority. Documents include memoranda, drafts, reports, notes, written communications, and documents stored electronically that are in the possession of the Department. Access ordinarily will be provided on government premises.

(b) Requests for access to documents under this section must be submitted in writing to the head of the component where the employee worked when originating, reviewing, or signing the documents. If the employee requesting access was the Attorney General, Deputy Attorney General, or Associate Attorney General, the request may be granted by the Assistant Attorney General for Administration. This authority may not be delegated below the level of principal deputy component head.

(c) The written request should describe with specificity the documents to which access is sought (including time periods wherever possible), the reason for which access is sought (including the timing of the official inquiry involved), and any intended disclosure of any of the information contained in the documents.

(d) The requester must agree in writing to safeguard the information from unauthorized disclosure and not to further disclose the information, by any means of communication, or to make copies, without the permission of the Department. Determinations regarding any further disclosure of information or removal of copies shall be made in accordance with applicable standards and procedures.

§ 16.301 Limitations.

(a) The Department may deny or limit access under this subpart where providing the requested access would be unduly burdensome.

(b) Access under this subpart to classified information is governed by Executive Order 12958 and 28 CFR 17.46. Requests for access to classified information must be submitted to (or will be referred to) the Department Security Officer and may be granted by the Department Security Officer in consultation with the appropriate component head.

(c) Nothing in this subpart shall be construed to supplant the operation of other applicable prohibitions against disclosure.

(d) This subpart is not intended to, does not, and may not be relied upon to, create any right or benefit, substantive or procedural, enforceable at law by a party against the United States.

APPENDIX I TO PART 16—COMPONENTS OF THE DEPARTMENT OF JUSTICE

Please consult Attachment B of the Department of Justice FOIA Reference Guide for the contact information and a detailed description of the types of records maintained by each Department component. The FOIA Reference Guide is available at http://www.justice.gov/oip/04_3.html or upon request to the Office of Information Policy.

The FOIA offices of Department components and any component-specific requirements for making a FOIA request are listed below. The Certification of Identity form, available at http://www.justice.gov/oip/forms/cert_ind.pdf, may be used by individuals who are making requests for records pertaining to themselves. For each of the six components marked with an asterisk, FOIA and Privacy Act (PA) access requests must be sent to OIP, which handles initial requests for those six components.

Antitrust Division, FOIA/PA Unit
Bureau of Alcohol, Tobacco, Firearms, and Explosives, Disclosure Division
Civil Division, FOIA/PA Officer

Requests for records from case files must include a case caption or name, civil court case number, and judicial district.
Civil Rights Division, FOIA/PA Branch
Community Relations Service, FOIA/PA Coordinator

Criminal Division, FOIA/PA Unit
Drug Enforcement Administration, Freedom of Information Operations Unit, FOI/Records Management Section

Environment and Natural Resources Division, FOIA Coordinator, Law and Policy Section

Requests for records from case files must include a case caption or name, civil or

Department of Justice

Pt. 17

criminal court case number, and judicial district.

Executive Office for Immigration Review, Office of the General Counsel

When seeking access to records concerning a named alien individual, requesters must include an alien registration number ("A" number). If the "A" number is not known or the case occurred before 1988, the date of an Order to Show Cause, country of origin, and location of the immigration hearing must be provided.

Executive Office for United States Attorneys, FOIA/Privacy Unit

Executive Office for Organized Crime Drug Enforcement Task Forces

Requests for records from case files must include the judicial district in which the investigation/prosecution or other litigation occurred.

Executive Office for United States Trustees, FOIA/PA Counsel, Office of the General Counsel

Requests for records from bankruptcy case files must include a case caption or name, case number, and judicial district.

Federal Bureau of Investigation, Record/Information Dissemination Section, Records Management Division

Federal Bureau of Prisons, FOIA/PA Section Foreign Claims Settlement Commission

INTERPOL-U.S. National Central Bureau, FOIA/PA Specialist, Office of General Counsel

Justice Management Division, FOIA Contact National Security Division, FOIA Initiatives Coordinator

Office of the Associate Attorney General*

Office of the Attorney General*

Office of Community Oriented Policing Services, FOIA Officer, Legal Division

Office of the Deputy Attorney General*

Office of Information Policy

Office of the Inspector General, Office of the General Counsel

Office of Justice Programs, Office of the General Counsel

Office of Legal Counsel

Office of Legal Policy*

Office of Legislative Affairs*

Office of the Pardon Attorney, FOIA Officer

Office of Professional Responsibility, Special Counsel for Freedom of Information and Privacy Acts

Office of Public Affairs*

Office of the Solicitor General

Requests for records from case files must include a case name, docket number, or citation to case.

Office on Violence Against Women

Professional Responsibility Advisory Office, Information Management Specialist

Tax Division, Division Counsel for FOIA and PA Matters

Requests for records from case files must include a case caption or name, civil or

criminal court case number, and judicial district.

United States Marshals Service, Office of the General Counsel

Requests for records concerning seized property must specify the judicial district of the seizure, civil court case number, asset identification number, and an accurate description of the property.

United States Parole Commission, FOIA/PA Specialist

[AG Order No. 3517-2015, 80 FR 18113, Apr. 3, 2015]

PART 17—CLASSIFIED NATIONAL SECURITY INFORMATION AND ACCESS TO CLASSIFIED INFORMATION

Sec.

17.1 Purpose.

17.2 Scope.

17.3 Definitions.

Subpart A—Administration

17.11 Authority of the Assistant Attorney General for Administration.

17.12 Component head responsibilities.

17.13 National Security Division; interpretation of Executive Orders.

17.14 Department Review Committee.

17.15 Access Review Committee.

17.16 Violations of classified information requirements.

17.17 Judicial proceedings.

17.18 Prepublication review.

Subpart B—Classified Information

17.21 Classification and declassification authority.

17.22 Classification of information; limitations.

17.23 Emergency classification requests.

17.24 Duration of classification.

17.25 Identification and markings.

17.26 Derivative classification.

17.27 Declassification and downgrading.

17.28 Automatic declassification.

17.29 Documents of permanent historical value.

17.30 Classification challenges.

17.31 Mandatory review for declassification requests.

17.32 Notification of classification changes.

Subpart C—Access to Classified Information

17.41 Access to classified information.

17.42 Positions requiring financial disclosure.

17.43 Reinvestigation requirements.

17.44 Access eligibility.